

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

QUOC XUONG LUU,)
Petitioner,)
vs.)
IMMIGRATION AND)
NATURALIZATION SERVICES, et al,)
Respondents)

) No. C 08-3350 JSW (PR)
ORDER OF TRANSFER

Petitioner, detained at California State Prison-Solano in Solano, California, has filed a petition for a writ of habeas corpus challenging his detention at that prison under 28 U.S.C. § 2241. Petitioner is being detained on behalf of the Immigration and Naturalization Service. Vacaville is in Solano County, which is in the Eastern District of California. *See* 28 U.S.C. § 84(b).

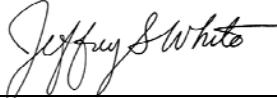
Federal courts generally take the position that for petitions brought under § 2241, the district of confinement "is normally the forum most convenient to the parties," *McCoy v. United States Bd. of Parole*, 537 F.2d 962, 966 (8th Cir. 1976), and therefore exercise discretion in transferring petitions to the district of confinement "in the interests of justice" pursuant 28 U.S.C. § 1404(a). *See id.*; *see also Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 494-95, 499 n.15 (1973) ("venue considerations may, and frequently will, argue in favor of adjudication of the habeas claim in the jurisdiction where the habeas petitioner is confined."); *Dunne v. Henman*, 875 F.2d 244, 249-50 (9th Cir. 1989) (suggesting that preferred forum is district where petitioner is confined). This practice is supported by the fact that a prisoner's records follow him to the place of

1 incarceration and that it promotes uniformity in the filing of § 2241 petitions. A transfer
2 to the district of confinement, in this case the Eastern District of California, on
3 convenient forum grounds is therefore preferable as long as no undue delay is created.
4 *See Chatman-Bey v. v. Thornburgh*, 864 F.2d 804, 814 (D.C. Cir. 1988).

5 Accordingly, IT IS ORDERED in the interest of justice, and pursuant to 28
6 U.S.C. § 1404(a), that this action be TRANSFERRED to the United States District Court
7 for the Eastern District of California. The Clerk of the Court shall transfer this matter
8 forthwith.

9 IT IS SO ORDERED.

10 DATED:July 24, 2008


11 JEFFREY S. WHITE
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

QUOC X LUU,

Case Number: CV08-03350 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

IMMIGRATION AND NATURALIZATION et al,

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 24, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Quoc Xuong Luu
Prisoner Id P-22522
Bldg # 025-125U
California State Prison-Solano
PO Box 4000
Vacaville, CA 95696-4000

Dated: July 24, 2008

Jennifer Ottolini
Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk

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